

REMARKS

The Applicant respectfully requests further examination and consideration in view of the arguments set forth fully below. Claims 1-38 and 40-54 were previously pending in this application. Within the Office Action, Claims 1-38 and 40-54 have been rejected. By the above amendment, Claims 16, 33, 34, 37, 49, 50, and 52-54 have been amended, Claim 44 is canceled, and new Claim 55 is added. Accordingly, Claims 1-38, 40-43, and 45-55 are pending in this application.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1-12, 16-22, 24-28, 32, 33, 37, and 40-49 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,157,475 to Webster (hereinafter “Webster”) in view of U.S. Patent No. 4,533,044 to Ban (hereinafter “Ban”). The Applicant respectfully disagrees with this rejection.

Webster discloses a paint pot, within which is an upstanding partition subdividing its interior into two compartments. The pot is covered with a closure, the periphery of which may be forced into or connected with the upper edge of the wall of the container while its center overlies the upper end of the partition. Outlets are formed at the bottom of the two compartments directly opposite each other and on a line at right-angles to the plane of the partition. Webster does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices, wherein when the lid is fixed on the container, the orifices are aligned over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Webster does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

Ban teaches a wet storage device which is primarily used to temporarily store a paint brush or roller. The device comprises a hollow container 14 and a solid, planar lid 19 with a downwardly directed annular flange 20 for frictionally engaging the adjacent sides of the container. The lid is detachably mounted on the open top 16 of the container. The cover has at least one small opening 22 from which a number of similar slits 23 cut through the cover, extend in a radial direction to form between them a plurality of similar, pie-shaped, flexible segments 24 which frictionally engage and help hold the handle of the paint brush and roller suspended within the chambers of the container 14. Ban does not teach a paint storage apparatus comprising a

removable lid having a plurality of orifices, wherein when the lid is fixed on the container, the orifices are aligned over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Ban does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

The Office Action includes a statement that modification of the paint pot of Webster in view of the paint applicator storage container of Ban would be obvious to a person skilled in the art "in order to allow individual paint implement support." Ban provides support for paint implements in order to store them, while Webster teaches a container for storing and using paint. Since Webster already teaches a lid for sealing its compartments adapting the container of Webster to have a lid such as the one taught by Ban seems to provide only one added advantage: the ability to store a paint bush or roller within the paint already stored in the container. Ban suggests that paint be removed from a paint brush during or prior to storage, i.e. that paint applicators should not be stored in paint. The cited portion of Webster makes no suggestion that paint brushes or rollers be *stored* within its compartments. Thus, the Applicants submit that one skilled in the art would find no suggestion or motivation within either Webster or Ban to combine the two references. According to MPEP §2143.01, the prior art must suggest the desirability of the claimed invention. Thus, the present invention is patentable over the combination of Webster with Ban.

As discussed above, Webster does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices, wherein when the lid is fixed on the container, the orifices are aligned over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Webster does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. As further discussed above, Ban does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices, wherein when the lid is fixed on the container, the orifices are aligned over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Ban does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. Accordingly, neither Webster, Ban nor their combination teach a divided paint storage apparatus comprising a container divided into a plurality of adjoining chambers and removable lid having a plurality of

orifices, wherein the orifices are aligned over the chambers.

In contrast to the teachings of Webster, Ban and their combination, the apparatus of the present invention is directed to a paint storage apparatus comprising a container divided into a plurality of adjoining chambers, and a removable lid having a plurality of orifices. The apparatus is preferably substantially cylindrical and is uniformly formed from a homogenous material. When the removable lid is fixed on the container, the orifices are aligned over the chambers, with one of the plurality of orifices over each of the plurality of chambers. Further, when the removable lid and the container are mated, the plurality of chambers in the container are sealed such that paint cannot be interchanged between the chambers. The cap is configured to detachably couple to the lid and prevent spillage and spoilage of paint stored within the container. In addition, the cap and the removable lid preferably each further comprise tabs configured to facilitate removal of the lid from the container and to facilitate removal of the cap from the lid. As described above, neither Webster, Ban nor their combination teach a divided paint storage apparatus comprising a container divided into a plurality of adjoining chambers and a removable lid having a plurality of orifices, wherein the orifices are aligned over the chambers.

The independent Claim 1 is directed to a paint storage apparatus. The paint storage apparatus of Claim 1 comprises a container divided into a plurality of adjoining paint storage compartments and a removable lid having a plurality of orifices, wherein when the removable lid is fixed on the container, the orifices are aligned over the compartments, with one of the plurality of orifices over each of the plurality of compartments. As described above, neither Webster, Ban nor their combination teach a divided paint storage apparatus comprising a container divided into a plurality of paint storage compartments and a removable lid having a plurality of orifices, wherein the orifices are aligned over the compartments. For at least these reasons, the independent Claim 1 is allowable over the teachings of Webster, Ban and their combination.

Claims 2-5 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Webster, Ban and their combination. Accordingly, Claims 2-5 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 6 is directed to a paint storage container. The paint storage container of Claim 6 comprises a body portion having an open upper end and forming a chamber region, one or more walls dividing the chamber region into a plurality of adjoining paint storage compartments, and a removable lid having a plurality of orifices configured to align over the paint storage compartments, wherein one of the plurality of orifices is over each of the plurality

of compartments and wherein the removable lid is configured to mate with the one or more walls so as to create a positive seal. As described above, neither Webster, Ban nor their combination teach a divided paint storage apparatus comprising a container divided into a plurality of paint storage compartments and a removable lid having a plurality of orifices, wherein the orifices are aligned over the compartments. For at least these reasons, the independent Claim 6 is allowable over the teachings of Webster, Ban and their combination.

Claims 7-12 are all dependent upon the independent Claim 6. As discussed above, the independent Claim 6 is allowable over the teachings of Webster, Ban and their combination. Accordingly, Claims 7-12 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 16 is directed to a divided paint storage apparatus. The divided paint storage apparatus of Claim 16 comprises a cup and a removable lid. The cup comprises integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the cup into a plurality of adjoining chambers configured to store paint. The removable lid comprises one or more orifices configured to align with the plurality of adjoining chambers and one or more guiding means configured to couple with the one or more dividers and to align the one or more orifices with the plurality of adjoining chambers. As described above, neither Webster, Ban nor their combination teaches a paint storage apparatus with a plurality of chambers and a removable lid with a plurality of orifices and a guiding means configured to couple with one or more of the dividers. For at least these reasons, the independent Claim 16 is allowable over the teachings of Webster, Ban and their combination.

Claims 17-22, 24-28 and 32 are all dependent upon the independent Claim 16. As discussed above, the independent Claim 16 is allowable over the teachings of Webster, Ban and their combination. Accordingly, Claims 17-22, 24-28 and 32 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 33 is directed to an annular paint cup. The annular paint cup of Claim 33 comprises one or more walls contained within the annular paint cup and a removable lid with a plurality of orifices comprising a planar surface with a top and a bottom. The one or more walls contained within the annular paint cup divide the annular paint cup and define a plurality of paint storage cavities. It is further specified in Claim 33 that the bottom of the planar surface comprises one or more depending grooves configured to cooperatively engage with the one or more walls and align the plurality of orifices with the plurality of paint storage cavities. As described above, neither Webster, Ban nor their combination teach an annular paint cup and a

removable lid with a plurality of orifices comprising one or more depending grooves at the bottom of the planar surface of the removable lid configured to cooperatively engage with the one or more walls and align the plurality of orifices with the plurality of paint storage cavities. For at least these reasons, the independent Claim 33 is allowable over the teachings of Webster, Ban and their combination.

The independent Claim 37 is directed to a divided paint storage apparatus. The divided paint storage apparatus of Claim 37 comprises integrally formed interior walls, one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers configured to store paint and a lid with a plurality of orifices. It is further specified in Claim 37 that the lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal. As described above, neither Webster, Ban nor their combination teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. Neither Webster, Ban nor their combination teach a lid with a plurality of orifices, wherein the lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal. For at least these reasons, the independent Claim 37 is allowable over the teachings of Webster, Ban and their combination.

Claims 40-49 are all dependent upon the independent Claim 37. As discussed above, the independent Claim 37 is allowable over the teachings of Webster, Ban and their combination. Accordingly, Claims 40-49 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 1-5, 16-22, 24-28, 32, 33, 37, and 40-49 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,746,346 to Crilly (hereinafter "Crilly") in view of Ban. The Applicant respectfully disagrees with this rejection.

Crilly discloses a paint carrier comprising a paint carrying receptacle and a paint carrying device. The paint carrying receptacle is a separate and distinct apparatus from the paint carrying device. The receptacle has two generally planar walls, an arching side wall and a bottom wall. All the walls are sealingly engaged to form a liquid-tight wedge of a cylinder whereby a multiplicity of similar receptacles may be juxtaposed to form a generally cylindrical receptacle arrangement. The paint carrying device is comprised of a side wall extending upward from the perimeter of a bottom wall and at least one irremovable and sealingly engaged dividing wall for

dividing an inner volume of the device into at least two permanently separate compartments. Crilly does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices, wherein when the lid is fixed on the container, the orifices are aligned over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Crilly does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

Ban teaches a wet storage device which is primarily used to temporarily store a paint brush or roller. The device comprises a hollow container 14 and a solid, planar lid 19 with a downwardly directed annular flange 20 for frictionally engaging the adjacent sides of the container. The lid is detachably mounted on the open top 16 of the container. The cover has at least one small opening 22 from which a number of similar slits 23 cut through the cover, extend in a radial direction to form between them a plurality of similar, pie-shaped, flexible segments 24 which frictionally engage and help hold the handle of the paint brush and roller suspended within the chambers of the container 14. Ban does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices, wherein when the lid is fixed on the container, the orifices are aligned over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Ban does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers.

The Office Action includes a statement that modification of the paint pot of Crilly in view of the paint applicator storage container of Ban would be obvious to a person skilled in the art "in order to allow individual paint implement support." Ban provides support for paint implements in order to store them, while Crilly teaches a container for transporting and permitting use of paint. Adapting the container of Crilly to have a lid such as the one taught by Ban seems to provide only one added advantage: the ability to store a paint brush or roller within the paint already stored in the container. Ban suggests that paint be removed from a paint brush during or prior to storage, i.e. that paint applicators should not be stored in paint. The cited portion of Crilly makes no suggestion that paint brushes or rollers be *stored* within its compartments. Thus, the Applicants submit that one skilled in the art would find no suggestion or motivation within either Crilly or Ban to combine the two references. According to MPEP §2143.01, the prior art must suggest the desirability of the Claimed invention. Thus, the present invention is patentable over the combination of Crilly with Ban.

As discussed above, Crilly does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices, wherein when the lid is fixed on the container, the orifices are aligned over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Crilly does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. As further discussed above, Ban does not teach a paint storage apparatus comprising a removable lid having a plurality of orifices, wherein when the lid is fixed on the container, the orifices are aligned over the chambers of the container, with one of the plurality of orifices over each of the plurality of chambers. Further, Ban does not teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. Accordingly, neither Crilly, Ban nor their combination teach a divided paint storage apparatus comprising a container divided into a plurality of adjoining chambers and removable lid having a plurality of orifices, wherein the orifices are aligned over the chambers.

In contrast to the teachings of Crilly, Ban and their combination, the apparatus of the present invention is directed to a paint storage apparatus comprising a container divided into a plurality of adjoining chambers, and a removable lid having a plurality of orifices. The apparatus is preferably substantially cylindrical and is uniformly formed from a homogenous material. When the removable lid is fixed on the container, the orifices are aligned over the chambers, with one of the plurality of orifices over each of the plurality of chambers. Further, when the removable lid and the container are mated, the plurality of chambers in the container are sealed such that paint cannot be interchanged between the chambers. The cap is configured to detachably couple to the lid and prevent spillage and spoilage of paint stored within the container. In addition, the cap and the removable lid preferably each further comprise tabs configured to facilitate removal of the lid from the container and to facilitate removal of the cap from the lid. As described above, neither Crilly, Ban nor their combination teach a divided paint storage apparatus comprising a container divided into a plurality of adjoining chambers and a removable lid having a plurality of orifices, wherein the orifices are aligned over the chambers.

The independent Claim 1 is directed to a paint storage apparatus. The paint storage apparatus of Claim 1 comprises a container divided into a plurality of adjoining paint storage compartments and a removable lid having a plurality of orifices, wherein when the removable lid

is fixed on the container, the orifices are aligned over the compartments, with one of the plurality of orifices over each of the plurality of compartments. As described above, neither Crilly, Ban nor their combination teach a divided paint storage apparatus comprising a container divided into a plurality of paint storage compartments and a removable lid having a plurality of orifices, wherein the orifices are aligned over the compartments. For at least these reasons, the independent Claim 1 is allowable over the teachings of Crilly, Ban and their combination.

Claims 2-5 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Crilly, Ban and their combination. Accordingly, Claims 2-5 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 16 is directed to a divided paint storage apparatus. The divided paint storage apparatus of Claim 16 comprises a cup and a removable lid. The cup comprises integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the cup into a plurality of adjoining chambers configured to store paint. The removable lid comprises one or more orifices configured to align with the plurality of adjoining chambers and one or more guiding means configured to couple with the one or more dividers and to align the one or more orifices with the plurality of adjoining chambers. As described above, neither Crilly, Ban nor their combination teaches a paint storage apparatus with a plurality of chambers and a removable lid with a plurality of orifices and a guiding means configured to couple with one or more of the dividers. For at least these reasons, the independent Claim 16 is allowable over the teachings of Crilly, Ban and their combination.

Claims 17-22, 24-28 and 32 are all dependent upon the independent Claim 16. As discussed above, the independent Claim 16 is allowable over the teachings of Crilly, Ban and their combination. Accordingly, Claims 17-22, 24-28 and 32 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 33 is directed to an annular paint cup. The annular paint cup of Claim 33 comprises one or more walls contained within the annular paint cup and a removable lid with a plurality of orifices comprising a planar surface with a top and a bottom. The one or more walls contained within the annular paint cup divide the annular paint cup and define a plurality of paint storage cavities. It is further specified in Claim 33 that the bottom of the planar surface comprises one or more depending grooves configured to cooperatively engage with the one or more walls and align the plurality of orifices with the plurality of paint storage cavities. As described above, neither Crilly, Ban nor their combination teach an annular paint cup and a removable lid with a plurality of orifices comprising one or more depending grooves at the

bottom of the planar surface of the removable lid configured to cooperatively engage with the one or more walls and align the plurality of orifices with the plurality of paint storage cavities. For at least these reasons, the independent Claim 33 is allowable over the teachings of Crilly, Ban and their combination.

5 The independent Claim 37 is directed to a divided paint storage apparatus. The divided paint storage apparatus of Claim 37 comprises integrally formed interior walls, one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers configured to store paint and a lid with a plurality of orifices. It is further specified in Claim 37 that the lid is configured to removably couple to the integrally formed
10 interior walls through an annular locking structure that frictionally engages so as to create a positive seal. As described above, neither Crilly, Ban nor their combination teach a divided paint storage apparatus comprising integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers. Neither Crilly, Ban nor their combination teach a lid with a plurality of orifices,
15 wherein the lid is configured to removably couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal. For at least these reasons, the independent Claim 37 is allowable over the teachings of Crilly, Ban and their combination.

 Claims 40-49 are all dependent upon the independent Claim 37. As discussed above, the
20 independent Claim 37 is allowable over the teachings of Crilly, Ban and their combination. Accordingly, Claims 40-49 are all also allowable as being dependent upon an allowable base claim.

 Within the Office Action, Claims 16-18, 20-27, 29, 32, 37, 40-48, and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,826,338 to Davis
25 (hereinafter "Davis"). The Applicant respectfully disagrees with this rejection.

 Davis discloses a receptacle having a plurality of separate fluid-tight compartments. The receptacle comprises a housing and means within the housing dividing the interior thereof into a plurality of fluid-tight portions, there being a plurality of openings in the housing communicating with the portions. The side wall of the receptacle is sealingly engaged by the top and the bottom.
30 Davis does not teach a removable lid having a plurality of orifices, wherein when the removable lid is fixed on the container, the orifices are aligned over the compartments, with one of the plurality of orifices over each of the plurality of compartments. Davis does not teach a container with one or more walls dividing the chamber region into a plurality of adjoining compartments,

and a removable lid which is configured to mate with the plurality of walls so as to create a positive seal. Further, Davis does not teach a divided paint storage apparatus comprising a cup with integrally formed interior walls and one or more dividers coupled to the interior walls separating the cup into a plurality of adjoining chambers, and a removable lid with one or more guiding means configured to couple with the one or more dividers coupled together to align the one or more orifices with the plurality of adjoining chambers.

In contrast to the teachings of Davis, the present invention is directed to a paint storage apparatus comprising a container divided into a plurality of adjoining chambers and a removable lid having a plurality of orifices. The apparatus is preferably substantially cylindrical and is uniformly formed from a homogenous material. When the lid is fixed on the container, the orifices are aligned over the chambers, with one of the plurality of orifices over each of the plurality of chambers. Further, when the lid and the container are mated, the plurality of chambers in the container are sealed such that paint cannot be interchanged between the chambers. The cap is configured to detachably couple to the removable lid and prevent spillage and spoilage of paint stored within the container. When the cap and the removable lid are uncoupled, all orifices of the lid are simultaneously exposed, allowing access to all the paint storage compartments in the container.

As described above, Davis does not teach a removable lid having a plurality of orifices configured to align over the compartments, wherein the removable lid is configured to mate with the plurality of walls so as to create a positive seal. Further, Davis does not teach an divided paint storage apparatus wherein the integrally formed interior walls couple with one or more dividers to separate the apparatus into a plurality of adjoining chambers configured to store paint. In addition, Davis does not teach a divided paint storage apparatus, wherein a cap is configured to detachably couple to the removable lid to prevent spillage and spoilage of paint when coupled and to allow simultaneous access to all compartments when uncoupled.

The independent Claim 16 is directed to a divided paint storage apparatus. The divided paint storage apparatus of Claim 16 comprises a cup and a *removable* lid. The cup comprises integrally formed interior walls and one or more dividers coupled to the interior walls and configured to separate the cup into a plurality of adjoining chambers configured to store paint. The *removable* lid comprises one or more orifices configured to align with the plurality of adjoining chambers and one or more guiding means configured to couple with the one or more dividers and to align the one or more orifices with the plurality of adjoining chambers. As described above, Davis does not teach a cup and one or more dividers configured to separate the

cup into a plurality of adjoining chambers and a *removable* lid configured to align with the plurality of adjoining chambers. Further, Davis does not teach one or more guiding means for coupling the lid to the dividers of the cup to align the one or more orifices of the lid to the plurality of adjoining chambers of the cup. For at least these reasons, the independent Claim 16 is allowable over the teachings Davis.

Claims 17, 18, 20-27, 29 and 32 are all dependent upon the independent Claim 16. As discussed above, the independent Claim 16 is allowable over the teachings of Davis. Accordingly, Claims 17, 18, 20-27, 29, and 32 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 37 is directed to a divided paint storage apparatus. The divided paint storage apparatus of Claim 37 comprises integrally formed interior walls, one or more dividers coupled to the interior walls and configured to separate the apparatus into a plurality of adjoining chambers configured to store paint and a lid with a plurality of orifices. It is further specified in Claim 37 that the lid is configured to *removably* couple to the integrally formed interior walls through an annular locking structure that frictionally engages so as to create a positive seal. As described above, Davis does not teach a divided paint storage apparatus with integrally formed interior walls and dividers separating the apparatus into a plurality of adjoining chambers. As further described above, Davis does not teach a lid with a plurality of orifices that is configured to *removably* couple to the integrally formed interior walls through an annular locking structure. For these reasons, the independent Claim 37 is allowable over the teachings of Davis.

Claims 40-48, and 50 are all dependent upon the independent Claim 37. As discussed above, the independent Claim 37 is allowable over the teachings of Davis. Accordingly, Claims 40-48, and 50 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 13, 14, 29-31, and 50-54 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Webster or Crilly, and further in view of U.S. Patent No. 5,490,608 to Hawkins (hereinafter "Hawkins"). The Applicant respectfully disagrees with this rejection.

Claims 13 and 14 are both dependent upon the independent Claim 6. As discussed above, the independent Claim 6 is allowable over the teachings of Webster, Crilly, Ban and their combination. Accordingly, Claims 13 and 14 are both also allowable as being dependent upon an allowable base claim.

Claims 29-31 are all dependent upon the independent Claim 16. As discussed above, the independent Claim 16 is allowable over the teachings of Webster, Crilly, Ban and their combination. Accordingly, Claims 29-31 are all also allowable as being dependent upon an allowable base claim.

5 Claims 50-54 are all dependent upon the independent Claim 37. As discussed above, the independent Claim 37 is allowable over the teachings of Webster, Crilly, Ban and their combination. Accordingly, Claims 50-54 are all also allowable as being dependent upon an allowable base claim.

10 Within the Office Action, Claims 15, 23, and 34-36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the combinations of Webster and Crilly, and further in view of U.S. Patent No. 2,016,488 to Eckhaus (hereinafter "Eckhaus"). The Applicant respectfully disagrees with this rejection.

15 As described above, Webster discloses a paint pot, within which is an upstanding partition subdividing its interior into two compartments. The pot is covered with a closure, the periphery of which may be forced into or connected with the upper edge of the wall of the container while its center overlies the upper end of the partition. Outlets are formed at the bottom of the two compartments directly opposite each other and on a line at right-angles to the plane of the partition. Webster does not teach a lid comprising a plurality of groove means configured to cooperatively engage with inner walls. Moreover, Webster does not teach a lid with a plurality of orifices configured to align with the plurality of storage cavities.

20 As described above, Crilly discloses a paint carrier comprising a paint carrying receptacle and a paint carrying device. The paint carrying receptacle is a separate and distinct apparatus from the paint carrying device. The receptacle has two generally planar walls, an arching side wall and a bottom wall. All the walls are sealingly engaged to form a liquid-tight wedge of a cylinder whereby a multiplicity of similar receptacles may be juxtaposed to form a generally cylindrical receptacle arrangement. The paint carrying device is comprised of a side wall extending upward from the perimeter of a bottom wall and at least one irremovable and sealingly engaged dividing wall for dividing an inner volume of the device into at least two permanently separate compartments. Crilly does not teach a lid comprising a plurality of groove means configured to cooperatively engage with inner walls. Moreover, Crilly does not teach a lid with a plurality of orifices configured to align with the plurality of storage cavities.

30 Eckhaus discloses a vacuum container for materials and product which are to be maintained out of contact with the atmosphere and at substantially sub-atmospheric pressure

before actual consumption. The vacuum container contains a plurality of compartments which are sealed in an air-tight matter from each other and from the exterior. Each compartment may independently be opened. Internal partitioning walls forming the compartments and a cover and base elements attach in an air-tight fashion to side walls of the container. The internal
5 partitioning walls and covering base elements are connected to each other such that their permanency is not affected by the independent opening of any one compartment. Each compartment is provided with a means to permit the opening thereof by substantially complete removal of its side formed by the cover element and without affecting the permanent attachment. Further, the pieces are attached such that it will permit the convenient vacuum application to the
10 container after filling and before final sealing. Eckhaus does not teach a container means for retaining paint. Eckhaus merely teaches a container used for the storage of shredded, granular, or pulverized products, such as foodstuff, coffee and tobacco. In addition, Eckhaus does not teach a lid comprising a plurality of groove means configured to cooperatively engage with inner walls. Moreover, Eckhaus does not teach a lid with a plurality of orifices configured to align
15 with the plurality of storage cavities. Accordingly, neither Webster, Crilly, Eckhaus nor their combination teach a lid comprising a plurality of groove means configured to cooperatively engage with inner walls. Further, neither Webster, Crilly, Eckhaus nor their combination teach a lid with a plurality of orifices configured to align with the plurality of storage cavities.

Claim 15 is dependent upon the independent Claim 6. As discussed above, the
20 independent Claim 6 is allowable over the teachings of Webster, Crilly, Ban and their combination. Accordingly, Claim 15 is also allowable as being dependent upon an allowable base claim.

Claim 23 is dependent upon the independent Claim 16. As discussed above, the
25 independent Claim 16 is allowable over the teachings of Webster, Crilly, Ban and their combination. Accordingly, Claim 23 is also allowable as being dependent upon an allowable base claim.

The independent Claim 34 is directed to a divided paint cup. The divided paint cup of Claim 34 comprises a container means and a removable lid. The container means comprises a main chamber divided by one or more inner walls and a plurality of storage cavities defined by
30 the enclosed space between the inner walls and the main chamber and configured for receiving and retaining paint. The removable lid comprises an annular base portion and an annular wall joined to the annular base portion, a plurality of groove means coupled to the annular base portion and configured to cooperatively engage with the one or more inner walls, and a plurality

of orifices configured to align with the plurality of storage cavities when the plurality of groove means are cooperatively engaged with the one or more inner walls. As described above, neither Webster, Crilly, Eckhaus nor their combination teach a removable lid comprising a plurality of groove means configured to cooperatively engage with inner walls. Moreover, neither Webster, Crilly, Eckhaus nor their combination teach a removable lid with a plurality of orifices configured to align with the plurality of storage cavities. For at least these reasons, the independent Claim 34 is allowable over the teachings of Webster, Crilly, Eckhaus and their combination.

Claims 35 and 36 are both dependent upon the independent Claim 34. As discussed above, the independent Claim 34 is allowable over the teachings of Webster, Crilly, Eckhaus and their combination. Accordingly, Claims 35 and 36 are both also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claim 38 has been rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Webster and Crilly in view of Ban and U.S. Patent No. 4,277,000 to Jaarsma (hereinafter "Jaarsma"). The Applicant respectfully disagrees with this rejection.

As described above, Webster discloses a paint pot, within which is an upstanding partition subdividing its interior into two compartments. The pot is covered with a closure, the periphery of which may be forced into or connected with the upper edge of the wall of the container while its center overlies the upper end of the partition. Outlets are formed at the bottom of the two compartments directly opposite each other and on a line at right-angles to the plane of the partition. Webster does not teach a method of forming a divided paint cup with one or more dividing walls.

As described above, Crilly discloses a paint carrier comprising a paint carrying receptacle and a paint carrying device. The paint carrying receptacle is a separate and distinct apparatus from the paint carrying device. The receptacle has two generally planar walls, an arching side wall and a bottom wall. All the walls are sealingly engaged to form a liquid-tight wedge of a cylinder whereby a multiplicity of similar receptacles may be juxtaposed to form a generally cylindrical receptacle arrangement. The paint carrying device is comprised of a side wall extending upward from the perimeter of a bottom wall and at least one irremovable and sealingly engaged dividing wall for dividing an inner volume of the device into at least two permanently separate compartments. Crilly does not teach a method of forming a divided paint cup with one or more dividing walls.

As described above, Ban teaches a wet storage device which is primarily used to temporarily store a paint brush or roller. The device comprises a hollow container 14 and a solid, planar lid 19 with a downwardly directed annular flange 20 for frictionally engaging the adjacent sides of the container. The lid is detachably mounted on the open top 16 of the container. The cover has at least one small opening 22 from which a number of similar slits 23 cut through the cover, extend in a radial direction to form between them a plurality of similar, pie-shaped, flexible segments 24 which frictionally engage and help hold the handle of the paint brush and roller suspended within the chambers of the container 14. Ban does not teach a method of forming a divided paint cup with one or more dividing walls.

Jaarsma teaches a multi-compartment container with an upper body portion 12, a top cap portion 14, and a bottom closure 16. The upper body 12 and the bottom closure 16 together form a body which carries the cap 14. The upper body portion 12 comprises a confining wall 18 and a divider wall 20. The divider wall 20 extends diagonally toward the upper side of the confining wall 18 to form an opening 50. The cap 14 is installed onto the body portion, the port 50 communicate with the opening 36. The cap and base portions are heat-fused to the upper body portion 12 by any suitable process so as to prevent leakage between compartments. Jaarsma teaches a multi-compartment container apparatus. Further, Jaarsma does not teach a method of forming a divided paint cup with one or more dividing walls. Accordingly, neither Webster, Crilly, Ban, Jaarsma nor their combination teach a method of forming a divided paint cup with one or more dividing walls.

The independent Claim 38 is directed to a method of forming a divided paint cup. The method of forming the divided paint cup of Claim 38 comprises the steps of thermoforming plastic into one or more dividing walls configured into a generally cylindrical shape, thermoforming plastic around the dividing walls and into a generally cylindrical body portion having an open upper end, a rim extending radially outwardly from the perimeter of the open end of said body portion, and thermoforming plastic into a generally cylindrical lid having one or more orifices and one or more grooves configured to mate with the dividing walls. As described above, neither Webster, Crilly, Ban, Jaarsma, nor their combination teach a method of forming a divided paint cup with one or more dividing walls. For at least these reasons, the independent Claim 38 is allowable over the teachings of Webster, Crilly, Ban, Jaarsma and their combination.

For the reasons given above, Applicant respectfully submits that the Claims 1-38, 40-43, and 45-55 are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: September 20, 2005

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.
Date: 9-20-05 By: Nick R...